

# THE EXAMINER.

"PROVE ALL THINGS; HOLD FAST THAT WHICH IS GOOD."

VOLUME I.

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## Pauperism and Crime.

All great truths make their way slowly, and slowly, but surely, society is learning the great truth, that prevention is not only better, but easier, and (alas, most potent argument of all) cheaper than cure; and that it has other duties to perform towards paupers and criminals, than feeding and hanging. It is getting rapidly demonstrated, that it costs far less (to say nothing of higher considerations) to feed and teach the poor, ragged, ignorant child, who must beg, steal or starve; and thus make it both willing and able to live honestly, than it does to guard against, catch, try, convict, and imprison, transport or hang, the grown up, brutalized and dangerous man.

One way in which these views have already, in some measure, been carried out, is by Ragged Schools, to which we referred some time ago. The experiment has been tried (with some important modifications) with the greatest success, in Aberdeen, Dundee, and other large towns in Scotland.

The Rev. Thomas Guthrie, an eloquent and large-hearted minister of the Free Church (a Scotch Whitfield indeed) has lately published a pamphlet, entitled, "A Plea for Ragged Schools," of which we find an interesting notice, with some admirable extracts, in the Edinburgh Review, for last April.

To such cities as Louisville, Cincinnati, St. Louis, and New Orleans, these questions of pauperism, and crime, are already fearfully important; but if the wretched old course is persisted in, of making, and then supporting and punishing, in after years, the evils now existing will be multiplied a hundred fold.

"With no asylum to receive them, no police-master to instruct them, no policeman entitled to restrain them; what right have we to wonder that, in the common meaning of the word, nurseries, our great cities have been found to be the nurseries of criminals? And, what miserable distinctions can we any longer justify our horror at the barbarous practice of exposing infants, or denouncing the Rajpoot and the Chinese, should we persist in exposing children—very little older and quite as helpless—to mortality in its more prolonged and painful forms, of want, and degradation, and disease? If we cannot bear to enter the alleys of London and the wynds of Edinburgh in our own persons, Mr. Guthrie has penetrated them for us. We can follow him page by page, as vividly as step by step. We can plead ignorance and thoughtlessness no longer. What then can be our other plea? There is no passing by, and no forgetting pictures like the following—

"On one side of this square, in two-thirds of the shops (for we have counted them) spirits are sold. The sheep are near the slaughter-house—the victims are in the neighborhood of the altars. The mouth of almost every close is filled with loungers, worse than Neapolitan lazzaroni—bloated and brutal figures, ragged and wretched old men, bold and fierce looking women, and many a half-clad mother, shivering in cold winter, her naked feet on the frozen pavement, a skeleton infant in her arms. On a summer day, when in the blessed sunshine and warm air, misery itself will sing:—dashing in and out of these closes, careering over the open ground, engaged in their rude games, arrayed in flying drapery, here a leg and there an arm, are crowds of children; their thin faces tell how ill they are fed; their fearful looks tell how ill they are reared; and yet the merry laugh, and hearty shout, and screams of delight, as some unfortunate urchin, at leap-frog, measures his length upon the ground, also tell that God made childhood to be happy, and that, in the buoyancy of youth, even misery will forget itself!

"We get hold of one of these boys.—Poor fellow! it is a bitter day. He has neither shoes nor stockings; his naked feet are red, swollen, cracked, ulcerated with the cold; a thin, thread-worn jacket, with his gaping rents, is all that protects his breast; beneath his shaggy bush of hair he shows a face sharp with want, yet sharp also with intelligence beyond his years. That poor little fellow has learned to be already self-supporting. He has studied the arts—he is a master of imposture, lying, begging, stealing, and, small blame to him, but much to those who have neglected him—he had otherwise perished."

"Such children cannot pay for education, nor avail themselves of a gratis one, even though offered. That little fellow must beg and steal, or he starves. With a number like himself, he goes as regularly to that work of a morning as the merchant to his shop or the tradesman to his place of labor. They are turned out—driven out sometimes—to get their meat, like sheep to the hills, or cattle to the field; and if they don't bring home a certain supply, a drunken father and a brutal beating await them.

"For example, I was returning from a meeting one night, about twelve o'clock. It was a fierce blast of wind and rain. In Prince's Street, a piteous voice and a shivering boy pressed me to buy a tract. I asked the child why he was out in such a night and at such an hour. He had not got his money, he dared not go home without it; he would rather sleep in a stair all night. I thought, as we passed a lamp, that I had seen him before. I asked him if he went to church. "Sometimes to Mr. Guthrie's," was his reply. On looking again, I now recognized him as one I had occasionally seen in the Cowgate Chapel. Muffled up to meet the weather, he did not recognize me. I asked him what his father was. "I have no father, sir, he is dead." His mother? "She is very poor." But why keep you out here? "Then reluctantly, that I had truth came out. I knew her well, and had visited her wretched dwelling. She was a tall, dark, gaunt, gipsy-looking woman, who, notwithstanding a cap, of which it could be presumed that it had once been white, and a gown that it had once been black, had still some traces of one who had seen better days; but now she was a drunkard! Sin had turned her into a mon-

ster, and she would have beaten that poor child within an inch of death, if he had been short of the money, by her waste of which, she starved him, and fed her own accursed vices. Now, by this anecdote illustrating to my stranger friend the situation of these unhappy children, I added that, nevertheless, they might get education, and secure some measure both of common and Christian knowledge; but mark how, and where. Not as in the days of our blessed Savior, when the tender mother brought her child for his blessing. The Jailor brings them now! Their only passage to school is through the Police office; their passport is a conviction of crime. And in this Christian and enlightened city it is only within the dark walls of a prison that they are secure either of school or Bible. When one thinks of one's own happy boys at home, bounding free on the green, and breathing the fresh air of heaven—or of the little fellow that climbs a father's knee, and asks the oft repeated story of Moses or of Joseph—it is a sad thing to look in through the eyelet of a cell door, on the weary solitude of a child spelling its way through the Bible. It makes one sick to hear men sing the praises of the fine education of our prisons. How much better and holier were it to tell us of an education that would save the necessity of a prison-school! I like well to see the lifeboat, with her brave and devoted crew; but with far more pleasure from the window of my old country manse, I used to look out at the Bell Rock Tower, standing erect amid the stormy waters, where, in the midst of the day, the bell was rung, and in the darkness of the night the light was kindled; and thereby the mariners were not saved from the wreck, but saved from being wrecked at all."

What a vivid, terrible picture this is, from the life, and by the hands of a master.

Here is a pregnant extract, as to the expense:

"The juvenile convict, we should always recollect, is only a unit, who has risen accidentally to the top, out of an unconvicted class no worse than himself. What is to be done with the rest? Are they to wait till their turn comes also—till a ruthless society, which has never done a single act of duty or of kindness by them, challenges them, much in the same humor that Abhorson summoned Master Bernardine, to come out and be hanged? Or are we prepared at length to take the trouble of treating them as human beings—we say nothing of immortal souls—and to make a serious attempt towards placing them in circumstances where, for the first time in their lives, a chance of happiness and of virtue may be brought within their reach? It is more a question of trouble than of expense; since we may rest assured that they are costing us more in their wild neglected state living on the public, and to be guarded against as criminals, than if they were at once to undertake the charge of bringing them within the domestic pale of civil life. You will maintain them cheaper; domesticated at your barn door, than left to help themselves from your land and fields, as game. It is the self-same question which occurs respecting the moral, as the physical health of towns. Will you go to the thought and the expense of sewers and drainages, and so secure to the poor, fresh water and fresh air; or will you wait till a far heavier charge rolls back upon you as a poor-rate, swollen with the miseries incident to the long sickness and early death of the laboring man, whose family depends upon his labor? Take a word from Mr. Guthrie, on this subject, also—

"Do you fancy that, by refusing this appeal, and refusing to establish these schools, you, the public will be saved the expense of maintaining these outcasts? A great and demonstrable mistake. They live just now; and how do they live? Not by their honest industry, but at your expense. They beg and steal for themselves, or their parents beg and steal for them. You are not relieved of the expense of their sustenance by refusing this appeal. The Old Man of the Sea sticks to the back of Sinbad; and surely it were better for Sinbad to teach the old man to walk on his own feet. I pray the public to remember, that begging and stealing, while in most cases poor trades to those who pursue them, are dear ones to the public. Catch you little fellow, with his pale face and piteous whine, and search, as some of us have done, his wallets, and you will be astonished at the stores of beef and bread concealed beneath his rags. Don't blame him, however, because he whines on; he must reach his den at night, laden with plunder. You forget that a sound beating may avail him if he returns empty-handed; and you also forget that at some expense he has to keep his mother in whiskey, as well as his brothers and sisters in food. You have often tried to put down public begging, the dearest and most vicious way of maintaining the poor: till some such plan as ours is adopted, you never can. Not to speak of the beggars that prowl about our public streets, hundreds of children set out every morning to levy their subsistence for the day, by calls at private houses. They beg when they may—they steal when they can. Such a system is a disgrace to society; its evils are legion; and we can fancy no plan that goes so directly, and with such sure promise of success, to the root of these evils, as that we now advocate. We say, with Daniel Defoe, that begging is a shame to any country; if the beggar is an unworthy object of charity, it is a shame that he should be allowed to beg; if a worthy object of charity, it is a shame that he should be compelled to beg."

The following paragraph gives some account of the origin of Ragged Schools. Dr. HAWTREY, is one of the most distinguished scholars in England, the able and honored head of the greatest of the great Schools from which so many of England's highest names have issued. How Christ-like the example of this eminent man, and how the glory of place, and scholarship, and talent, pale before this humble imitator of our blessed Lord, who "went about doing good!"

"The form of the experiment originated, we believe, with that admirable society, the London City Mission. It prospered in their hands as almost all they touch, however outwardly desperate, appears to do. A Sunday school of this description was established at Windsor by a town missionary, not quite two years ago, where may be seen among the teachers—brought together by a Divine attraction to their work of mercy—a chimney-sweeper in his Sunday clothes, and one or two life-guardmen in their uni-

forms. Dr. Hawtreay, head master of Eton, has himself set up another there. What a touching contrast he must feel between the two extremes, as often as he passes from his Eton boys to his ragged scholars! A new hope for the poor, a new prospect of doing good could not be lost on Dr. Chalmers. The nature and object of his school are told by its locality. It is in the West-end of Edinburgh, within a few doors of the house of Burke—the wretch, whose name, from his transcendent infamy is incorporated into the language. These schools were a great beginning. They broke the ground. They have familiarized us with the necessity and with the means. But something still was wanting; and it is this further something which Mr. Guthrie has now come forward to proclaim. The only precedents which he mentions, are the industrial schools of Dundee and Aberdeen. There may be others. We are not aware of them.

"Magnificent endowments, such as Christ's Hospital, Heriot's Hospital, and the like, are converted into the patrimony of the middle ranks. Private schools, maintained by benevolent individuals, act, at their very best, as aids and rewards to the decent poor. But, in all our towns of any magnitude, there is a lower class of children; one made up for the most part of illegitimate children; of children who have lost their parents; and of children whose parents have been infinitely worse to them than none at all. There are supposed to be a thousand such in Edinburgh alone. To them, the world, on which they have been cast, is indeed fatherless; for, what can they think of man? And what, if they should chance to hear of Him, what, in their agony, must they think even of God? Visitors of destitute sick societies—humble and hard working city missionaries—Christian governors of prisons—superintendents of night asylums and houses of refuge—men who, like himself, are called on to explore, amid fever and famine, the depths of human misery (we are using Mr. Guthrie's words, once across the ocean). You may find them sleeping in a stair, or on the floor of the police office, or pulling your coat at midnight to buy a tract of them, lest they should go home only to be beaten. Beyond this, their fellow-creatures seem to have agreed, by habit and common consent, to refuse to recognize their existence. Ragged Schools are, by yesterday, before which, to have got a chance of school, they must have gone to prison first. Even at present, Ragged Schools have been opened in a few favored places only. But, supposing them to be opened everywhere, what is the most that we can expect from them, in case of their being opened only to teach? Even misery has its degrees and shades. Below the depths which they can sound and master, there is a still lower depth, which can only be reached and brought into subjection by a more potent spell.

It is here, at this crisis of the problem, that the Industrial Schools of Aberdeen and Dundee have taken the next step. They feed as well as teach. There is not only the alphabet, but the cup of porridge. What a providential step, if it should but answer! As far as it has gone, it has answered marvellously. Mr. Guthrie had long looked wistfully to some such system as the only remedy; but 'till the experience of Aberdeen and Dundee had turned what was but a presumption into a fact, he had not the courage to venture on the proposal. It is the main characteristic of the system, that it combines instruction in useful employment with education, and, above all, with food.

"The children are not taken from their homes; on the contrary, they go back every night, with the new influences which they may have acquired. In this, of course, there is great merit. The new influence, and the old will meet in daily conflict. It may end, as the labor of Hercules, in the old story of Anteus, where, as often as the monster, though almost exhausted, came in contact with his mother earth, he recovered his former strength. We must be prepared for failures directly traceable to this cause. On the other hand, there are possible advantages in the children returning home, which justify a certain degree of hazard. It need not be made a condition of the experiment, though, if the experiment is to be made on any considerable scale, it must be made at present in this form, or not at all. There is, however, one condition indispensable to this great experiment, and only one, that is—the daily bread which we all are taught to pray for. To catch wild cots, they must see the corn. Without food, the children will not come, nor be let come; without food, they cannot afford to stay; without it, it is impossible that they should have the spirits or the strength to learn—or anybody have the heart to try to make them. What man of common sense (asks Mr. Guthrie) would mock with books a boy who is starving for bread? Let Christian men answer our Lord's question; let every one who is a parent think of it. What father, if his child ask for bread, would give him a stone? And, let me ask, what is English Grammar, or the rule of Three, or the A B C, to a poor hungry child—what is it but a stone?"

Here is some valuable Irish experience:—"I tremble," writes Lieutenant-Colonel Douglas, for the fate of the rising generation in this country. Misery has so worked upon this people, that, consumed by one only thought—that of food, they abstain from their old church-going habits. Shame of appearing in bad clothes operates greatly in this; but, alas! the children no longer attend the schools in many places, and demoralization is, I fear, advancing at the same rate as destitution. I have spoken to some people about this, and I really believe that the proposed extension of the poor laws may be made to accomplish the double object of feeding destitute children, and at the same time of instructing them. The children would go to school if fed; and I have been assured by a gentleman, who takes a very active part as a poor-law guardian, that such a united system of feeding and teaching would be a great economy; for if children were thus looked after, their parents would not so much through the workhouses. The moral objection of withdrawing children from the superintendence of the parent, does not hold good where the parents give no superintendence. The rising generation are left to wander about in idleness, living, in fact, on the public charity, and it were much better that the public char-

ity should be well bestowed. A few hours of hunger, fever, and despair, have demoralized the strongest natures—whole armies, whole cities. What then can we expect, if we make this the life of children?"

The result of the Aberdeen experiment is most encouraging and delightful, says the Reviewer:

"The experiment is not a costly one. The average expense of the school at Aberdeen was \$30 a child, for the year; and so employed, it has cleared both town and county of begging children. In the three summer months of 1843, one hundred begging children were found wandering about the county, and were reported by the police. Juvenile mendacity, is a natural and certain training for juvenile delinquency. Yet, God be praised! two years afterwards, they are reported none as criminals to the prison, but as scholars to the school. The School of Industry had absorbed them all."

\*Letter from Lieutenant-Colonel Douglas to Mr. Trevelyan, Clonmel, Jan. 30.

## COMMUNICATIONS.

### Thoughts on Emancipation—No. 30.

A great deal has been said in reference to the abolition of slavery in the district of Columbia. Some have earnestly contended that Congress has no power to act on the subject. Some consider it a debatable question. Others think that Congress has jurisdiction in the premises, but that it is not expedient to exercise it. And others still believe in the existence of the power and the expediency of its exercise.

First, The existence of the power. Here there must of course be an appeal to the Constitution of the United States; for the powers of Congress are conferred by that instrument. It explicitly states that Congress shall have power "to exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States and the acceptance by Congress, become the seat of the government of the United States." &c. &c. Virginia and Maryland ceded the district of Columbia, and the seat of the National Government was selected by the Father of his country, and very appropriately bears his name. Over this district Congress is "to exercise exclusive legislation." &c. The framers of that Constitution in adopting this clause no doubt remembered that the Continental Congress, at the close of the Revolution, had to leave Philadelphia and adjourn to Princeton to escape from the violence of some insolent mutineers. They saw the necessity of giving Congress exclusive jurisdiction over the place at which its meetings were to be held. The power "to exercise exclusive legislation" was given. This of itself would settle the question, but to put the matter beyond the reach of cavil it is added, "in all cases whatsoever." If the power "to exercise exclusive legislation in all cases whatsoever" does not include the right to abolish slavery in the district of Columbia, one would be tempted to adopt the sentiment of Talleyrand—that "language was given to man to conceal, not to express his thoughts." It is argued and correctly too, that so far as the States are concerned, slavery is under their jurisdiction. And is there a man from Maine to Texas who will deny that Congress has not as much authority in the district as any State Legislature has within the sphere of its operation? The authority is greater. Every State Government has to admit the supremacy of the General Government. If, then, the States in which slavery exists may abolish it, (and no one doubts this) surely Congress may abolish it in the District. But it is said that if Virginia and Maryland had ceded the district, they would never have ceded it to the General Government. If this be true, what does it amount to? Absolutely nothing. The cession has been made.—The two States have relinquished the authority over the district which they once had, and have now no more control over it than Ohio or Kentucky. It belongs to Congress, and it is as clear as the sun in the heavens that Congress, having authority "to exercise exclusive legislation in all cases whatsoever," has the power to abolish slavery in it.

But let us refer to the expediency of the exercise of this power. Were it exercised, the influence resulting from the abolition of slavery in the District, would be felt in every portion of the country. Some in the South would doubtless feel a temporary exasperation, and talk about dissolving the Union; but the general effect of the measure would be salutary. The slave States would see before their eyes an example worthy of their imitation. The moral power emanating from that example would be incalculably great. Every State would feel it, and the American Congress would be saved from the mortification and the glaring inconsistency of legislating on the subject of liberty, while breathing an atmosphere contaminated with slavery. No longer would the buying and selling of slaves be carried on almost under the shadow of the National Capitol. Surely the city called after Washington should be free. Surely the Representatives of a free people should tread a free soil.

### A SOUTHERN KENTUCKIAN.

TO THE EDITOR OF THE EXAMINER: Gentlemen.—In a former communication I called the attention of your readers to a few statistical facts, showing that Ohio quadruples Kentucky in manufacturing. Now lest some may conclude that the difference is not so great in other branches of labor, I propose to show by facts taken from the census of 1840, that the contrast in agricultural products is quite as striking: It seems that Ohio produces 16,571,661 bushels of wheat, worth, say 50 cents per bushel, \$8,285,825. Kentucky produces 4,803,152 bushels of wheat, worth, say 50 cents per bushel, 2,401,576.

Balance against Ky. \$5,884,249. I submit it to the candor of Kentucky slaveholders, whether or not the difference above is not more attributable to the fact that one of these States uses free, and the other slave labor, than to any other cause? The slave knows that out of the profit of his labor, how ever great, all that he can get is food and rai-

ment; and consequently, he is lazy, and unskilful; he does not feel that it is his interest to do much, or to do it well—whilst, on the contrary, the free laborer knows, he is to receive the full profit of his ingenuity and thrift; his arm is nerved by the natural stimulant to labor, its product—and his heart is made glad by the reflection, that by his honest toil, he can make his wife and little ones, happy and comfortable.

I find that Ohio produces 1,022,037 tons of hay, worth, at \$12 per ton, \$12,264,444. Kentucky produces 88,306 tons of hay, worth, at \$12 per ton, 1,059,672.

Balance against Ky. \$11,204,772.

I might add a long list of articles in which the free labor of Ohio, far exceeds the slave labor of Kentucky; but I suppose it will be sufficient to state, that I have taken in detail all the articles of produce specified in the last census for each of those two States, and ascertained their respective value, calculating at the same prices for each State, and the aggregate is in favor of Ohio by \$17,525,334, a sum which in three and a half years, would be sufficient to buy all the negroes in Kentucky, according to their value in 1847, as reported by the 2d Auditor of Kentucky, to wit: \$38,115,984.—The lands of Kentucky are valued at \$121,974,164. Now according to the above estimate, which I am satisfied is a fair one, the surplus produce of Ohio, over Kentucky, would in the short space of twelve years be sufficient to pay the full value of the lands and slaves of Kentucky. Does all this say nothing for free labor? Can any unprejudiced mind look at these facts, and a thousand similar ones, and for a moment doubt as to the advantages of free over slave labor? Aside from all considerations of morality, and right, does not the pecuniary interest of Kentucky, require that she adopt free labor? My slaveholding acquaintances tell me that slavery is not profitable, if not, why not abandon it, and let our noble State grow and prosper, like the free States of the West.

It is a fact, now well understood in Kentucky, that the principal, if not the only value of slaves, consists in their increase, and if Kentucky should adopt measures to prohibit the sale of the slave increase, and the separation of slave families, slavery will become an intolerable burden, and Kentucky become indeed "the land of the free," as she is now, "the home of the brave."

GREEN RIVER.

Boston Redactor in reply to C. M. Clay. C. M. CLAY addressed a letter, through the columns of our paper to the Boston Redactor. In addition to our regular exchange, we sent on a copy containing it, with lines drawn above and below it. We regret that both failed to reach the Redactor Office.

### C. M. CLAY—THE MEXICAN WAR.

The following letter from Cassius M. Clay, addressed to us through the Louisville Examiner, for some cause did not reach us, although we are in the regular receipt of that paper. It was not, in consequence, until allusion to it were made in other prints, that we were directed to a successful search among our neighbors for a copy. As drawn out by an article in our paper, and as directed to us, we herewith cheerfully give it entire. It contains, so far as we know, the first elaborate defence in print that Mr. Clay has ever essayed for volunteering in the Mexican war. We have added some comments of our own at the conclusion of the letter.

Here follows Mr. Clay's letter, Jan. 14th, already published in the Examiner.

Mr. Clay appears to regard himself as charged with 'crime,' for engaging in a war the entire spirit and antecedents of which he had with such emphasis condemned. We know not how far the charge in this form may have been preferred, but we are prepared to assume that if all aggressive war be wrong, then all who engage in it, especially as volunteers, are criminal. And this criminality is in proportion to the unholy ends for which the war is prosecuted, and the injustice of the causes on which it is made to rest. Can an official act of government, whether monarchical or republican, change intrinsic wrong, modify in any degree or sanctify it? All government has the power of taxation and of self-defence. The exercise of this power may, it is granted, as in the case of England, be oppressive. Submission to certain forms, and to a long-continued series of grinding exactions, might be viewed as perilling all that is dear in 'life, liberty, and the pursuit of happiness.' Thus our fathers thought, and hence they rallied under the full force of the law of self-defence, and conquered. But paying taxes does not always imply a sanction of the ends to which they are appropriated, neither in the town nor in the State. It is a part of good citizenship, that these, except in the most extraordinary cases, should be paid. In the existing war with Mexico, no direct tax has yet been levied. The resources of the general revenue of the country have been drawn from, so that no man can tell when or how much he is giving to meet the actual expenses of the war. If there were a direct tax to support a war aggressive and deemed unholy, every man must determine whether mere submission to what is imposed, is not, on the whole, preferable to rebellion against government. The citizens, however, even in this case, would have the right to remonstrate, and to record his protest against the wrong for which he might be taxed. He would then be no other than a *passive*, not an active, supporter of the government. Government, in fact, could and would regard him only in this light."

Mr. Clay places a peculiar estimate upon the relations of citizenship. "In a republic," he says, "it seems to me to be the duty of every good citizen to advocate what he deems right; but when the public will has been definitely declared in 'legal form,' though it be diametrically opposed to his, he ought in good faith to carry out that will, dissolve the government by revolution, or leave the country." To carry out this will

\*The Primitive Christians were exhorted to "submit to every ordinance of man for the Lord's sake;" i.e., while they could not approve of all the acts of the governments under which they lived, they were to submit wherever submission would not involve compromise of their religion. When this became necessary, even the author of the injunction quoted, could not render obedience, and in the refusal, suffered the death of a martyr. There is a most obvious distinction between submission to many of the acts of government and their active approval.

according to his view, he must be active, and even *executive*, though to do it, it were necessary to cover Christians, as in the age of Nero, with pitch, and cast them into the flames. Law, even under such an edict, must be executed, and he, though a professed Christian, must himself, especially if it be a 'peculiarity of his taste,' be foremost in the awful deed. It is but for a 'legal form' to be assumed, (and whether it be or not, in the present war, is altogether an unsettled question,) and no matter if the nation cover herself with her 'great crime,' and press to the accomplishment of her purpose over a 'broken Constitution,'—the blood of her great dead be shed in vain, 'the tears of widows and orphans moisten many hearts made desolate forever,' he must be an active participant in the tragedy; he must shoulder his musket, sharpen his bayonet, and act fiercely his part in 'the great crime,' or else, forsooth, he is no longer a good citizen! At all events, the claims of honorable citizenship are most laudably met by throwing himself, not by compulsion, but as a *volunteer*, into the thickest of a fight which to him has no one feature of alleviation.

This, truly is a new view of citizenship, as it certainly is of morals. It sheds a new light upon our relations as members of the community, and subjects of the government of God. But Mr. Clay will not claim that a single requirement within the range of his citizenship can clothe the first act in the course that led him as a *volunteer* into this war with so much as the first sanction of duty. It must look elsewhere for its justification. He is eloquent in deprecating the evils and the criminality of the war, and the only real justification that he assigns for a course of conduct which we venture to say struck the whole nation and men of all parties with surprise, is, that it suited his temperament to 'play the soldier.' Strange, when the war in which he plays, it produces the untold sufferings and is mother of all the crime that he so graphically describes. Ah, Cassius, this taste for battle, this 'playing the soldier,' is no good part of thy other-wise humane, generous, but impulsive nature! But were it not better to rest thy main defence on this confession, that thou hast loved or hast loved to 'play the soldier'?

It does not, Mr. Clay may be assured, 'suit our temperament' to pay taxes for war. And had we, with others, instead of a uniform and consistent opposition to it, joined in most active and enthusiastic endeavors to raise funds for carrying it forward our case might then be viewed as somewhat parallel to his enlisting as a volunteer. But to pay taxes—none have yet been levied for the support of this war,—must be viewed as an altogether different thing from what is a *gratuity*, even in the citizen. We cannot understand how one like Mr. C. can assume so much that is *extra* to the citizen; how there can be the all-sacrificing support of what he as much as any other man deems an abomination, except it be that wonderful 'peculiarity of taste' which makes it above all things else grateful in him to 'play the soldier,' or that false love of country which has so fearfully blinded his mental vision.

But we will not doubt—we never have; either Mr. Clay's humanity or his patriotism. We still believe that he is appointed to perform an eminent service in that cause which evidently lies so near his heart. We are willing to overlook and almost forget the past, of what is to us a startling inconsistency, while we see him trimming his lamp, and girding his loins anew in the great work to which we expect ever hereafter to see his noble energies given. We hope to see his former mold on the country in a good degree regained. But we must say that we rise from the perusal of his letter with a firmer conviction than ever, that 'logic, or something that bears its name, does sometimes play strange freaks with men.'

We suppose that no small degree of allowance is due to the education of Mr. Clay, and to the circumstances that confronted him when he stood forth as a bold advocate of emancipation. He was charged with being an enemy to his country, and with such a charge, his nature was manifestly stung to the quick. He took the strange method described partly for the purpose, it is likely, of repudiating the accusation.

The Law Reform Commissioners, appointed by the New York Legislature, so far as the law practice reform is concerned, have reported.—What the code they propose is, we cannot say. The following extract, however, is supposed to embody its essence:

### OF THE PLEADING IN CIVIL ACTIONS.

#### CHAPTER I.—THE COMPLAINT.

Sec. 118. All the forms of pleading heretofore existing are abolished; and hereafter, the forms of pleading in civil actions and the rules by which the sufficiency of the pleadings is to be determined, shall be those which are prescribed by this act.

Sec. 119. The first pleading on the part of the plaintiff, is the complaint.

Sec. 120. The complaint shall contain: 1. The title of the cause, specifying the name of the court in which the action is brought, the name of the county in which the plaintiff desires the trial to be had, and the names of the parties to the action, plaintiff and defendant.

2. A statement of the facts constituting the cause of action, in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

3. A demand of the relief, to which the plaintiff supposes himself entitled. If the recovery of money be demanded, the amount thereof shall be stated.

#### CHAPTER II.—THE DEMURRER.

Sec. 121. The only pleading on the part of the defendant, is either a demurrer or an answer. It must be served within twenty days after service of the copy of the complaint.

Sec. 122. The defendant may demur to the complaint, when it shall appear upon face thereof, either:

1. That the court has no jurisdiction of the person of the defendant, or the subject of the action; or

2. That the plaintiff has no legal capacity to sue; or

3. That there is another action pending between the same parties, for the same cause; or

4. That there is a defect of parties, plaintiff or defendant; or

5. That several causes of action have been improperly united; or

6. That the complaint does not state facts sufficient to constitute a cause of action.

Sec. 123. The demurrer shall distinctly specify the grounds of objection to the complaint. Unless it do so, it may be disregarded.

Sec. 124. After a demurrer, the plaintiff may amend, of course, and without costs, within twenty days. Upon the decision of the demurrer, the court may, if justice require it, allow the plaintiff to amend, or the defendant to withdraw his demurrer and to answer.

Sec. 125. If the complaint be amended, a copy thereof must be served on the defendant, who must answer it within twenty days, on affidavit of the service, and of the defendant's omission, may proceed to obtain judgment, as provided by section 202; but where an application to the court for judgment is necessary, eight days notice thereof must be given to the defendant.

Sec. 126. When any of the matters enumerated in section 122 do not appear upon the face of the complaint, the objection may be taken by answer.

Sec. 127. If no such objection be taken, either by demurrer or answer, the defendant shall be deemed to have waived the same, excepting only the objection to the jurisdiction of the court over the subject of the action; and the objection that the complaint does not state facts sufficient to constitute a cause of action.

CHAPTER III.—THE ANSWER.

Sec. 128. The answer of the defendant shall contain:

1. In respect to each allegation of the complaint controverted by the defendant, a specific denial thereof, or, any knowledge thereof sufficient to form a belief.

2. A statement of any new matter constituting a defence in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.

Sec. 129. The defendant may set forth in his answer as many grounds of defence as he shall have. They shall be separately stated, and may refer to the causes of action which they are intended to answer, in any manner by which they may be intelligibly distinguished.

Sec. 130. If the answer set up new matter, which is not replied to, as provided in the next section, and the action be tried on complaint and answer alone, and judgment be given thereon for the plaintiff, the court may permit the defendant to withdraw or amend the answer, upon such terms as shall be just.

#### CHAPTER IV.—THE REPLY.

Sec. 131. When the answer shall contain new matter, the plaintiff may, within twenty days, reply to it, denying particularly each allegation controverted by him or any knowledge thereof sufficient to form a belief; and he may allege, in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended, any new matter not inconsistent with the complaint, in avoidance of the answer.

#### CHAPTER V.—GENERAL RULES OF PLEADING.

Sec. 132. No other pleading shall be allowed than the complaint, demurrer, answer and reply.

Sec. 133. Every pleading must be subscribed by the party, or his attorney, and the complaint, answer and reply, must be verified by the party, his agent or attorney, to the effect that he believes it to be true. But the verification may be omitted, when the party would be privileged from testifying, as a witness, to the same matter. And no pleading, verified as herein required, shall be used in a criminal prosecution against the party, as proof of a fact admitted or alleged in such pleading.

#### Pearl Fishing.

It is reported that a company is forming in this city to fish for pearls on the coast of Cumana, a province of Venezuela, South America. This is said to be a first-rate locality for deep diving, a pearl having been f











